

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 12-20423

MARIO HAIRSTON,

HON. AVERN COHN

Defendant.

/

**ORDER GRANTING GOVERNMENT'S MOTION TO HAVE THE COURT WAIVE THE
ATTORNEY/CLIENT PRIVILEGE (Doc. 62)**

This is a criminal case. Defendant Mario Hairston ("Hairston") was charged in a two-count indictment with one count of interference with commerce by robbery in violation of 18 U.S.C. § 1951(a), and one count of discharging a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c). Hairston plead guilty plea to both counts under a Rule 11 Plea Agreement which called for a 120 month sentence on count two and 37 months on count one to be run consecutive. The Court sentenced Hairston to 157 months in accordance with the plea agreement.

Hairston has filed a Motion to Vacate or Set Aside Conviction and Sentence under 28 U.S.C. § 2255. In his motion, Hairston contends that his defense counsel was ineffective for (1) failing to adequately advise him of a pre-indictment plea offer of 120 months incarceration and (2) providing erroneous advice that he would receive credit, against his federal sentence, for time served on his parole hold with the state. An evidentiary hearing on the motion is set for October 29, 2015.

Before the Court is the government's motion to have the Court waive the attorney client privilege. The motion is GRANTED. The attorney client privilege is waived only to the two allegations of ineffective assistance of counsel raised in the petition. See In re Lott, 424 F.3d 446, 452-53 (6th Cir. 2005). The government may interview defense counsel limited to the communications relating to plea negotiations and Hairston's receipt of credit for time served.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 6, 2015
Detroit, Michigan